

**REMARKS**

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1, 2, 4, 11, 12, 14, 16 and 17 are pending. Applicant notes that the Office Action incorrectly lists claim 3 as a pending claim.

By this paper, claims 1, 11 and 16 are amended. Independent claim 1 is amended to recite, *inter alia*, limiting the “size of the sheet in accordance with a position of the abnormal data so that the abnormal data does not appear on the image formed on the sheet by said image forming unit.” Claim 11 is similarly amended. Claim 16 is amended for consistency with claim 1 and 11. Support for these amendments may be found for example at page 21 of the original specification.

Two rejections on the merits were set forth in the Office Action. Claims 1, 2 and 4 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly not providing enablement of “conveying in accordance with the position of the abnormal data.” As this particular element is no longer a part of Claim 1 as currently amended, it is believed the rejection is now moot. For at least similar reasons, dependent claims 2 and 4 also overcome this rejection.

The second basis for rejection was 35 U.S.C. § 102(e). Claims 1, 2, 4, 11, 12, 14, 16 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent. No. 6,295,140 (“Kameyama”).

B. Claims 1, 2, 4, 11, 12, 14, 16 and 17 are Patentably Distinct from the Kameyama

The rejections of claims 1, 2, 4, 11, 12, 14, 16 and 17 are respectfully traversed. Kameyama fails to teach, disclose or suggest each of the elements of Applicants’ claims. [MPEP

2143.03]. Specifically, Kameyama fails to describe limiting the “size of the sheet in accordance with a position of the abnormal data so that the abnormal data does not appear on the image formed on the sheet by said image forming unit.”

Applicant’s amended claim 1 recites:

An image forming apparatus comprising:

an original convey unit adapted to move an original in a sub-scanning direction;

an image reading unit adapted to read the original while moving the original by using said original convey unit and output image data;

an abnormality detection unit adapted to detect abnormal data output from said image reading unit before said image reading unit reads the original

an image forming unit adapted to form an image, which is read from the original by said image reading unit, on a sheet; and

a control unit adapted to limit a size of the sheet in accordance with a position of the abnormal data so that the abnormal data does not appear on the image formed on the sheet by said image forming unit.

Kameyama describes an apparatus for correcting abnormalities in a document reader, like those found in copy machines, which may result in a poor replicated image. [Kameyama Col.1 Lines 28-35]. Specifically, it addresses systems that read documents by transporting them between an image sensor and a white “platen” roller. The white platen is used in the shading compensation process for shading variations in the original document. Dust or burrs on the platen will cause inaccurate shading correction. [Col.1 lines 25-60]. Alternatively, defects in the photoelectric cells of the sensor can cause the abnormality. [Col.8 Lines 34-41].

Various methods of addressing reader abnormalities are discussed in Kameyama. However, nowhere is it disclosed that the system should “limit a size of the sheet in accordance with a position of the abnormal data so that the abnormal data does not appear on the image formed on the sheet by said image forming unit” as disclosed in applicant’s invention.

For example, Kameyama merely discloses detection of dirt on the platen and cleaning it if it is warranted. [Col.7 Lines 14-28]. If there are burrs detected on the platen, Kameyama explains that the platen roller can be rolled to an appropriate angular position between readings such that the image sensor does not read the burrs. [Col.11 Lines 50-63]. In the event that there are defective photoelectric cells in the image sensor, Kameyama discloses an embodiment where it would be possible to detect the abnormal bit produced by the cell and correct it using the amplitude levels about the bad bit. [Col.10 Lines 15-36].

Further disclosure of abnormality handling is absent from Kameyama. As a result, there is no discussion whatsoever to “limit a size of the sheet in accordance with a position of the abnormal data so that the abnormal data does not appear on the image formed on the sheet by said image forming unit” as claimed by the applicant. Kameyama in fact focuses on managing the platen or photoelectric cells as a solution.

In summary, the present application discloses a technique for abnormality detection and subsequent limitations imposed on the original size and paper sheet size in accordance with the position of the abnormal data. Kameyama never discusses manipulating the paper size as a way of avoiding the effects of abnormalities in the reader.

Accordingly, Kameyama fails to teach, disclose or suggest "limit a size of the sheet in accordance with a position of the abnormal data so that the abnormal data does not appear on the image formed on the sheet by said image forming unit." As Applicant cannot find this element, at least independent claim 1 should be allowable over Kameyama. Independent method claim 11 has been similarly amended. Claim 11 and dependent claims 2, 4, 12, 14, 16 and 17 are allowable for at least the same reasons as claim 1. Allowance of claims 1, 2, 4, 11, 12, 14, 16 and 17 is respectfully requested.

Appl. No. 10/021,524  
Paper dated November 13, 2007  
Reply to Office Action dated August 15, 2007

**CONCLUSION**

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4799.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: November 13, 2007

By:



---

Allen Chein  
Registration No. 57,451

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile